

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLENE SCOTT,

Defendant.

CASE NO: 2:15-cr-174-KJD-BNW
CASE NO: 2:15-cr-193-KJD-PAL

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
2. Following this Court’s imposition of sentence, the parties, either jointly or individually, requested to continue Charlene’s self-surrender date due to healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”). Presently, Charlene’s self-surrender date is set for December 3, 2021. [See ECF No. 382]
3. Charlene suffers from chronic back pain due to a degenerative condition of her spine. Over the last month the pain in Charlene’s back became progressively worse. After conducting an MRI, Charlene’s physician scheduled her for major back surgery (Anterior Posterior Lumbar Interbody Fusion) on January 24, 2022. Following the surgery, Charlene will remain in the hospital for several days and then undergo physical therapy lasting several weeks.
4. On April 7, 2021, Terry underwent surgery for kidney cancer. Terry experienced complications from the surgery that resulted in his inability to care for himself. As such, Charlene provides daily care to Terry by dispensing his medications, driving him to doctor’s appointments, helping him in ambulation, and caring for his wounds. Terry’s primary care physician, Dr. Zev Lagstein, recently indicated Terry’s dependence on Charlene is significant and will need to continue. However, Terry’s surgeons believe Terry’s condition(s) has improved in the last six (6) months, and Terry will be stronger by April 2022.

1 5. Charlene is in the process of determining if Terry's insurance will cover his
2 placement in a rehabilitation center while she recovers from her surgery.

3 6. The parties respectfully request this Court issue an Order continuing Charlene's
4 self-surrender date for ninety (90) days.

5 7. Charlene is currently out of custody and does not object to the continuance.

6 8. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not
7 object to a ninety (90) day continuance of Charlene's self-surrender date.²

8 9. This continuance is not sought for the purposes of delay.

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10 **CONCLUSIONS OF LAW**

11 Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to
12 prison if it is determined by "clear and convincing evidence that she is not likely to flee or pose a
13 danger to the safety of any other person or the community." Accordingly, 18 U.S.C. §3143(a)
14 gives this Court the inherent authority to continue Charlene's self-surrender date as long as she is
15 not a danger to the community or a flight risk. This Court has not found a violation of Charlene's
16 conditions of pretrial release since setting the conditions in July of 2015, and as the Court
17 previously determined in allowing Charlene to remain at liberty pending her self-surrender to the
18 Bureau of Prisons, she is neither a danger to the community nor a flight risk.

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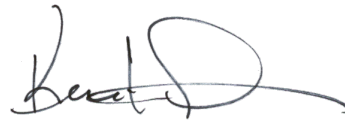
23 ² Counsel for Charlene Scott provided AUSA Frayn a letter recently authored by Dr. Lagstein
24 that explained the need for Charlene to provide daily care to Terry, as well as documentation
regarding Charlene's surgery.

ORDER

IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is GRANTED.

IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the designated Bureau of Prisons' facility on the 27th Day of May, 2022 no later than 2:00 p.m.

DATED AND DONE this 1st day of December, 2021.



UNITED STATES DISTRICT COURT JUDGE
THE HONORABLE KENT J. DAWSON